REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 22, 2005 (Paper No. 20050916). Upon entry of this response, claims 38, 53-55, and 61-84 are pending in the application. In this response, claims 38 and 53-55 have been amended, claims 61-84 have been added, and claims 39 and 56-60 have been cancelled. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1.   Rejection of Claims 38-39 and 51-60 under 35 U.S.C. §103

Claims 38-39 and 51-60 have been rejected under §103(a) as allegedly obvious over *Boyce, et al.* (5,614,952) in view of *Kalra, et al.* (5,953,506). Applicants respectfully submit that this rejection has been overcome by the claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

A. Claim 38

i)   The proposed combination does not teach "A method implemented in a digital home communication terminal (DHCT) comprising...responsive to determining that the resource-constrained mode is to be initiated, initiating the resource-constrained mode"

The Office Action alleges that the above feature is disclosed in Col. 17, lines 25-55. (Office Action, p. 3.) Applicants will assume, for the sake of argument, that this portion of *Kalra, et al.* teaches a media server that selects one or more of a base and an additive stream for

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transmission to a client, based on a client profile describing client processor and communication bandwidth capabilities.

Even so, *Kalra, et al.*, arguendo, teaches that the server rather than the client applies the constraints in order to determine which particular streams to transmit. Amended claim 38 now recites "a method implemented in a digital home communication terminal (DHCT)," such that the steps of this method claim are performed by the DHCT. This feature is not disclosed, taught, or suggested by *Boyce, et al.* or *Kalra, et al.* Accordingly, the proposed combination does not disclose, teach, or suggest the above-described feature recited in amended claim 38.

> ii) The proposed combination does not teach "transferring the set of reconstructed decompressed video data to a display device while downscaling the video picture in transit to the display device"

Boyce, et al. does not disclose, teach, or suggest using at least the above-recited feature. The Office Action alleges that this feature is disclosed in FIGs. 1 and 4 of *Boyce, et al.* (Office Action, pages 3-4.) Applicants will assume, for the sake of argument, that *Boyce, et al.* discloses a coded data buffer 116 storing compressed coded data and a frame buffer 118 storing decoded downsampled data. Even so, *Boyce, et al.*, arguendo, teaches that compressed data rather than decompressed data is fetched from memory and provided to the downsampler 126.

Amended claim 38 now recites "retrieving a set of reconstructed *decompressed* video data from a first portion of a memory component...and transferring the set of retrieved reconstructed decompressed video data to a display." Amended claim 38 also recites the feature of "downscaling the video picture *in transit* to the display device." These features are not disclosed, taught, or suggested by *Boyce, et al.* or *Kalra, et al.* Accordingly, the proposed combination does not disclose, teach, or suggest the features recited in amended claim 38.

iii) Conclusion

Since the proposed combination of *Boyce, et al.* in view of *Kalra, et al.* does not teach at least the above-described features recited in claim 38, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 38 is not obvious under the proposed combination of *Boyce, et al.* in view of *Kalra, et al.*, and the rejection should be withdrawn.

B. Claim 53

i) The proposed combination does not teach "A method implemented in a digital home communication terminal (DHCT) comprising…responsive to determining that the resource-constrained mode is to be initiated, initiating the resource-constrained mode"

The Office Action alleges that the above feature is disclosed in Col. 17, lines 25-55. (Office Action, p. 4.) Applicants will assume, for the sake of argument, that this portion of *Kalra, et al.* teaches a media server that selects one or more of a base and an additive stream for transmission to a client, based on a client profile describing client processor and communication bandwidth capabilities.

Even so, *Kalra, et al.*, arguendo, teaches that the server rather than the client applies the constraints in order to determine which particular streams to transmit. Amended claim 53 now recites "a method implemented in a digital home communication terminal (DHCT)," such that the steps of this method claim are performed by the DHCT. This feature is not disclosed, taught, or suggested by *Boyce, et al.* or *Kalra, et al.* Accordingly, the proposed combination does not disclose, teach, or suggest the above-described feature recited in amended claim 53.

ii) The proposed combination does not teach "transferring the retrieved set of decoded pictures to a display device while scaling the pictures in transit to the display device…without storing the pictures in the memory component,"

Boyce, et al. does not disclose, teach, or suggest using at least the above-recited feature. The Office Action alleges that this feature is disclosed in FIGs. 1 and 4 of *Boyce, et al.* (Office

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Action, pages 3-4.) Applicants will assume, for the sake of argument, that *Boyce, et al.* discloses

a coded data buffer 116 storing compressed coded data and a frame buffer 118 storing decoded

downsampled data. Even so, *Boyce, et al.*, arguendo, teaches that compressed data rather than

decompressed data is fetched from memory and provided to the downsampler 126.

Amended claim 53 now recites "retrieving, from the second and distinct portion of the

memory component, the set of ***decoded*** pictures…and transferring the retrieved set of decoded

pictures to a display." Amended claim 53 also recites the feature of "downscaling the video

picture in transit to the display device to a second spatial resolution without storing the pictures

in the memory component." These features are not disclosed, taught, or suggested by *Boyce, et*

al. or *Kalra, et al.* Accordingly, the proposed combination does not disclose, teach, or suggest

the features recited in amended claim 53.

iii) Conclusion

Since the proposed combination of *Boyce, et al.* in view of *Kalra, et al.* does not disclose,

teach, or suggest at least the above-described features recited in claim 53, a *prima facie* case

establishing an obviousness rejection has not been made. Thus, claim 53 is not obvious under the

proposed combination of *Boyce, et al.* in view of *Kalra, et al.*, and the rejection should be

withdrawn.

C. Claim 54

i)   The proposed combination does not teach "A digital home communication terminal (DHCT) comprising… logic configured to, responsive to determining that the resource-constrained mode is to be initiated, initiate the resource-constrained mode"

The Office Action alleges that the above feature is disclosed in Col. 17, lines 25-55.

(Office Action, p. 4.) Applicants will assume, for the sake of argument, that this portion of

Kalra, et al. teaches a media server that selects one or more of a base and an additive stream for

transmission to a client, based on a client profile describing client processor and communication

bandwidth capabilities.

Even so, *Kalra, et al.*, arguendo, teaches that the server rather than the client applies the

constraints in order to determine which particular streams to transmit. In amended claim 54, the

determination and initiation of the resource-constrained mode are now elements of "a digital

home communication terminal (DHCT)." This feature is not disclosed, taught, or suggested by

Boyce, et al. or *Kalra, et al.* Accordingly, the proposed combination does not disclose, teach, or

suggest the above-described feature recited in amended claim 54.

ii) The proposed combination does not teach "logic configured to transfer the set of
   decoded pictures to a display device while scaling the pictures in transit to the
   display device to a second spatial resolution without storing the pictures in the
   memory component"

Amended claim 54 now recites the feature of "scaling the pictures in transit to the display

device," which is not disclosed, taught, or suggested by *Boyce, et al.* or *Kalra, et al.*

Accordingly, the proposed combination does not disclose, teach, or suggest this feature recited in

amended claim 54.

iii) Conclusion

Since the proposed combination of *Boyce, et al.* in view of *Kalra, et al.* does not disclose,

teach, or suggest at least the above-described features recited in claim 54, a *prima facie* case

establishing an obviousness rejection has not been made. Thus, claim 54 is not obvious under the

proposed combination of *Boyce, et al.* in view of *Kalra, et al.*, and the rejection should be

withdrawn.

D. Claim 55

i) The proposed combination does not teach "A method implemented in a digital
   home communication terminal (DHCT) comprising...responsive to determining
   that the resource-constrained mode is to be initiated, initiating the resource-
   constrained mode"

The Office Action alleges that the above feature is disclosed in Col. 17, lines 25-55.

(Office Action, p. 5.) Applicants will assume, for the sake of argument, that this portion of

Kalra, et al. teaches a media server that selects one or more of a base and an additive stream for

transmission to a client, based on a client profile describing client processor and communication

bandwidth capabilities.

Even so, *Kalra, et al.*, arguendo, teaches that the server rather than the client applies the

constraints in order to determine which particular streams to transmit. Amended claim 55 now

recites "a method implemented in a digital home communication terminal (DHCT)," such that

the steps of this method claim are performed by the DHCT. This feature is not disclosed, taught,

or suggested by *Boyce, et al.* or *Kalra, et al.* Accordingly, the proposed combination does not

disclose, teach, or suggest the above-described feature recited in amended claim 55.

> ii) The proposed combination does not teach "transferring the retrieved video data to
> a display device while downscaling the video picture in transit to the display
> device"

Amended claim 55 now recites the feature of "transferring the retrieved video data to a

display device while downscaling the video picture in transit to the display device," which is not

disclosed, taught, or suggested by *Boyce, et al.* or *Kalra, et al.* Accordingly, the proposed

combination does not disclose, teach, or suggest this feature recited in amended claim 55.

iii) Conclusion

Since the proposed combination of *Boyce, et al.* in view of *Kalra, et al.* does not teach at

least the above-described features recited in claim 55, a *prima facie* case establishing an

obviousness rejection has not been made. Thus, claim 55 is not obvious under the proposed

combination of *Boyce, et al.* in view of *Kalra, et al.*, and the rejection should be withdrawn.

E. Claims 39, 52-53, 56-57, and 59-60

Since claims 38-39 and 51-60 are allowable, Applicants respectfully submit that claims

39, 52-53, 56-57, and 59-60 are allowable for at least the reason that each depends from an

allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988).

Therefore, Applicants respectfully request that the rejection of claims 39, 52-53, 56-57, and

59-60 be withdrawn.

2. Newly Added Claims

Applicants submit that new claims 61-84 are allowable over the cited references.

Specifically, independent claim 61 is allowable for at least the reason that the cited references do

not disclose, teach, or suggest the feature of "resource-constrained logic responsive to

determination logic, comprising: switch logic configured to, in resource-constrained mode,

switch the set of scaled video data output by scalar logic as an input to the video encoder logic."

Independent claim 66 is allowable for at least the reason that the cited references do not disclose,

teach, or suggest "responsive to determining that the resource-constrained mode is to be initiated,

initiating the resource-constrained mode, including: retrieving the video data from the memory

component; and transferring the retrieved video data to a display device while downscaling the

video picture in transit to the display device." Claims 62-65 and 67-84 are allowable over the

cited references for at least the reason that each depends from an allowable claim. *In re Fine*,

837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants request the

Examiner to enter and allow the above new claims.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be

withdrawn and that this application and presently pending claims 38, 53-55, and 61-80 be

allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are

not intended to be admitted. In addition, any and all findings of inherency are traversed as not

having been shown to be necessarily present. Furthermore, any and all findings of well-known

art and official notice, or statements interpreted similarly, should not be considered well known

for at least the specific and particular reason that the Office Action does not include specific

factual findings predicated on sound technical and scientific reasoning to support such

conclusions. If the Examiner has any questions or comments regarding Applicants' response, the

Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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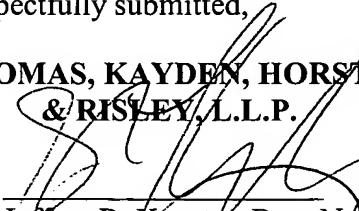
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